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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,165	07/10/2007	Jason Hartley	019318002US	6843
25096	7590	10/15/2010	EXAMINER	
PERKINS COIE LLP			GONZALEZ, MADELINE	
PATENT-SEA				
P.O. BOX 1247			ART UNIT	PAPER NUMBER
SEATTLE, WA 98111-1247			1772	
			NOTIFICATION DATE	DELIVERY MODE
			10/15/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[patentprocurement@perkinscoie.com](mailto:patentprocurement@perkinscoie.com)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/589,165	HARTLEY, JASON	
	<b>Examiner</b>	<b>Art Unit</b>	
	MADELINE GONZALEZ	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 August 2010.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-47 is/are pending in the application.  
 4a) Of the above claim(s) 22-47 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-21 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/11/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Election/Restrictions***

Applicant's election without traverse of Group I, claims 1-21, in the reply filed on August 5, 2010, is acknowledged.

Claims 22-47 are withdrawn from further consideration because they are drawn to a non-elected invention.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 10-12, 14, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Abramowitz et al. (U.S. 2002/0158018) [hereinafter Abramowitz].

With respect to **claims 1, 6, 11, 14, 18 and 19**, Abramowitz discloses a process for producing improved alkaline water, as shown in Fig. 1, including the steps of:

- mixing an additive into the water (see paragraph 0006) having an alkalinity range of  $180 \text{ mg/L} \leq \text{total alkalinity (CACO}_3 \text{)} \leq 200 \text{ mg/L}$  or  $190 \text{ mg/L} \leq \text{total alkalinity (CACO}_3 \text{)} \leq 210 \text{ mg/L}$  (see paragraph 0006).

With respect to **claims 2 and 12**, Abramowitz discloses filtering the water to a commercially practical degree of purity before mixing the additive into the water (see paragraph 006).

With respect to **claim 3**, Abramowitz discloses wherein filtering the water includes at least one of: a) mechanically filtering the water, b) deionizing the water, and c) reverse-osmotically filtering the water (see paragraphs 0013-0017).

With respect to **claim 10**, Abramowitz discloses wherein mixing an additive includes: a) mixing said additive into a first amount of filtered water to create a mixture, and b) blending said mixture into a second amount of filtered water (see paragraph 0020).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 5, 7, 13, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abramowitz (U.S. 2002/0158018) in view of Shorr et al. (U.S. 2002/0046974) [hereinafter Shorr].

With respect to **claims 4 and 13**, Abramowitz teaches that the filtered water may have a pH between 6.5 and 7.5 (see paragraph 0018). Abramowitz **lacks** the specific composition of the filtered water, the specific alkalinity and the specific turbidity.

Shorr teaches a method and apparatus for microfiltration, as shown in Fig. 1, using a sub-micron filtration media to reduce the level of minerals, such as calcium and magnesium (see paragraph 0012). The method is also useful in the reduction of heavy metals such as lead and cadmium (see paragraph 0026). It would have been obvious to provide the method disclosed with Abramowitz with a submicron filtration media, as taught by Shorr in order to remove minerals and heavy metals (see paragraph 0012 and 0026). The specific ranges of alkalinity and turbidity depend on the filter media and the composition of water, and may be optimize depending on the desired results of the filtrate (see paragraph 0031) and it would have been obvious to optimize these properties for this reason.

With respect to **claim 5**, Shoer teaches adjusting the temperature of the filtered water before mixing the additive into the water (see paragraph 0031) and it would have been obvious to adjust the temperature of the method disclosed by Adramowitz, such as by heating the filtered water, in order to obtain an optimum amount of precipitate to allow adequate flow through the filter media (see paragraph 0031).

With respect to **claims 7, 15 and 20**, Abramowitz teaches the addition of an acid in order to adjust the pH of the filtered water (see paragraph 0016), but **lacks** the

addition of a buffering salt. Shorr teaches the step of mixing an acid, base or buffering salt into the filtered water in order to adjust the pH (see paragraph 0032). It would have been obvious to provide the method disclosed by Abramowitz with the step of adding a buffering salt as taught by Shorr in order to adjust the pH (see paragraph 0032).

Claims 8, 9, 16, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abramowitz (U.S. 2002/0158018) in view of Burnham (U.S. 5,417,861).

With respect to **claims 8, 9, 16, 17 and 21**, Abramowitz **lacks** the specific composition of the additive.

Burnham teaches a method for treating wastewater, including the addition of a material selected from the group including sodium bicarbonate, sodium chloride and gypsum in order to adjust the conductivity of the water (see col. 8, lines 64-68 and col. 9, lines 1-24). It would have been obvious to provide the method disclosed by Abramowitz with the addition of sodium bicarbonate, sodium chloride and gypsum, as taught by Burnham in order to adjust the conductivity of the water (see col. 8, lines 64-68 and col. 9, lines 1-24). The specific amount of each additive and the total amount of additive claimed by applicant, i.e., 74% by mass sodium bicarbonate (NaHCO<sub>3</sub>), 24% by mass sodium chloride (NaCl) and 2% by mass gypsum (CaSO<sub>4</sub>.2H<sub>2</sub>O),  $36 \times 10^{-2}$  grams of additive per litre of filtered water  $26 \times 10^{-2}$  grams of sodium bicarbonate for each litre of water,  $84 \times 10^{-3}$  grams of sodium chloride for each litre of water, and  $96 \times 10^{-4}$

grams of gypsum for each litre of water, is a result effective variable that can be optimize during routine experimentation in order to obtain the desired results.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MADELINE GONZALEZ whose telephone number is (571)272-5502. The examiner can normally be reached on M, W, Th, F- 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, In Suk Bullock can be reached on 571-272-5944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Madeline Gonzalez/  
Examiner, Art Unit 1772  
October 9, 2010